

EXHIBIT E

From: Loftus, Julie
Sent: Thursday, January 4, 2024 8:50 PM
To: Bloom, Michael; Chris Kachouroff
Cc: Doug Wardlow; samuelharms@call00.com
Subject: RE: Smartmatic/ Lindell Meet and Confer

Counsel:

It was a pleasure speaking with you this morning. I write to memorialize our discussion.

First, Mr. Samuel Harms stated that he will be representing MyPillow. Mr. Harms noted that he would voice any objection to any assertion made by Mr. Kachouroff on behalf of the Defendants generally. Mr. Harms did not express any disagreement or objections to the points we discussed.

Second, Mr. Kachouroff informed us that Defendants would be making a production to remedy prior production deficiencies identified by Smartmatic. We stated that any hard-copy materials could be sent to our offices at 71 South Wacker Drive, Suite 1600, Chicago, Illinois 60606 and directed to my attention.

Third, the bulk of the discussion focused on Section I of Smartmatic's December 19, 2023 letter, which detailed Smartmatic's intention to file a motion to show cause why both Defendants should not be held in contempt for failing to comply with the Court's August 1, 2023 order.

- **Interrogatories Defendants were ordered to supplement:** Mr. Kachouroff noted that he would consider Smartmatic's positions on Interrogatory Nos. 1, 15, and 19 as laid out in the letter and get back to us with Defendants' new position. Mr. Kachouroff also stated that Defendants are willing to supplement prior interrogatory responses with information produced in document form—in verified answer form—in compliance with the Federal Rules of Civil Procedure.
- **Supplemental RFP Responses:** Mr. Kachouroff told us that Defendants are not standing on their objections. He also stated that Defendants would supplement their RFP responses to reflect this, as ordered by the Court.

Fourth, I raised Smartmatic's RFP Nos. 5 and 12, which concern subject matter similar to Interrogatory No. 19 (promo codes used by MyPillow). Mr. Kachouroff agreed to investigate whether documents responsive to RFP Nos. 5 and 12, such as weekly revenue reports to advertisers, exist.

Fifth, the group agreed to revisit the items described in Section II of our December 19 letter at a follow-up meet and confer conference next Thursday, January 11 at 11:30 EST.

Finally, I addressed Defendants' clawback communication seeking to replace prior productions with new ones. I noted that Defendants appear to be clawing back hundreds of thousands of documents and inquired if this was Defendants' intention. For example, Defendants are requesting to replace one production with over 16,000 documents with a modified production containing 2 documents. Mr. Doug Wardlow agreed to inquire about the possibility of a technological error. I also explained that Smartmatic needs to know which documents are subject to Defendants' proposed clawback, so that (1) Smartmatic can properly assess whether it is challenging the clawback, and (2) Smartmatic can timely and accurately destroy all properly clawed-back documents. Mr. Wardlow indicated he would investigate the identification of documents Defendants are attempting to claw back, and that Defendants would get back to Smartmatic with their position.

We look forward to speaking with you next week.

Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice

~~~~~

-- Do not delete or change any of the following text. --

**When it's time, join your Webex meeting here.**



Join  
meeting

**More ways to join:**

**Join from the meeting link**

<https://beneschlaw.webex.com/beneschlaw/j.php?MTID=m94caabdb9c169586b4f61dadaba1d704>

**Join by meeting number**

Meeting number (access code): 2317 471 5424

Meeting password: hMktuJJh236

**Tap to join from a mobile device (attendees only)**

+1-650-479-3208,,23174715424## Call-in toll number (US/Canada)

**Join by phone**

1-650-479-3208 Call-in toll number (US/Canada)

[Global call-in numbers](#)

**Join from a video system or application**

Dial [23174715424@beneschlaw.webex.com](https://beneschlaw.webex.com)

You can also dial [173.243.2.68](#) and enter your meeting number.

If you are a host, [click here](#) and login site to view host information.

Need help? Go to <https://help.webex.com>

--

--

**CHRISTOPHER I. KACHOUROFF, ESQ.**

Tel: 703.621.3300

Cell: 703.853.0160

Web: [www.mck-lawyers.com](http://www.mck-lawyers.com)

